

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERICK LEE PRICE, )  
Petitioner, )  
v. ) Civil Action No. 11-77 Erie  
ARCHIE LONGLEY, )  
Respondent. )

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on March 31, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 10], filed on October 21, 2011, recommended that Petitioner's case be dismissed for failure to prosecute. Petitioner was allowed fourteen (14) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the Petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9<sup>th</sup> day of November, 2011;

IT IS HEREBY ORDERED that the Petitioner's case is DISMISSED for failure to prosecute.

The Report and Recommendation [ECF No. 10] of Magistrate Judge Baxter, filed on October 21, 2011, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge